

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.487 OF 2007

Smt.Sunetra Suresh Dolas ..Applicant
V/s.
Harijan Hitwardhak CHS Ltd., & Ors. ..Respondents

Mr.Sandesh Patil for the applicant.

Ms.S.D.Shinde APP for the State.

CORAM : V.C.DAGA, J

Date : 22.10.2007.

PC

1. Heard learned Counsel for the applicant. Perused revision petition.

2. This application is directed against the order dated 18.8.2007 passed in Criminal Appeal No.25/2006 by the District Judge-3 and Addl.Sessions Judge, Thane whereby the order of conviction passed by the learned C.J.M. on 16.1.2006 in Summary Criminal Case No.393/2002 has been set aside and the respondent accused is acquitted of the offence punishable under Section 500 read with 34 of IPC.

3. Learned Counsel for the applicant submits that the impugned order is erroneous and perverse as such, liable to be set aside.

4. Before proceeding to consider the submission, let

me consider the extent of jurisdiction of this Court. In my opinion, on proper appreciation of evidence acquittal of the accused is recorded by the trial Court. In the case of **C.P.Fernandes v. Union of territory of Goa, Daman & Diu**, AIR 1977 SC 135, the Apex Court has ruled that the Court should not interfere with the trial Court view unless found to be unreasonable or perverse. If two views are possible on the basis of evidence on record, the higher Court should not disturb the findings of the trial Court is the settled law (see : **Varghess Thomas v. State of Kerala**, 1977 SC 701).

5. This Court not being a Court of appeal cannot substitute its view in exercise of revisional jurisdiction. Revisional jurisdiction is not only limited in scope but also is discretionary. The Court interferes in the revisional jurisdiction only in exceptional cases of flagrant miscarriage of justice as held by Apex Court in the case of **State of Rajasthan v. Gurucharandas Chaddha**, AIR 1979 SC 1895.

6 Having seen the finding recorded by the District Judge-3 and Additional Sessions Judge, Thane and the view taken, no case is made out for interference of the impugned order. Application is rejected.

(V.C.DAGA, J)